

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF FORMAL SERVICE COMPLAINTS

Second Quarter 2023

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of formal service complaints received by the agency. *See* STB Reauthorization Act of 2015, Sec. 6(b), Pub. L. No. 114-110 (2015). During the second quarter of 2023, the following formal service-related complaints were pending:

Complaint Received	Type of Complaint	Title	Docket No.	Geographic Region	Complainant	Carrier(s) Involved	Resolution/Status
2/27/2013	Application for terminal trackage rights	BNSF Railway Company— Terminal Trackage Rights—Kansas City Southern Railway and Union Pacific Railroad Company	FD 32760 (Sub-No. 46)	Louisiana	BNSF Railway Company	BNSF Railway Company, Union Pacific Railroad Company, Kansas City Southern Railway	Decision granting BNSF’s application for terminal trackage rights served on 7/5/2016. Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit on 9/1/2016. Appeal ordered to be held in abeyance by the D.C. Circuit on 1/3/2017 to allow parties to reach agreement regarding certain terms and conditions. BNSF filed petition to establish conditions of use and compensation on 1/12/2018. KCS filed motion to dismiss petition on 2/1/2018. Additional pleadings by BNSF, UP, and KCS filed.

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							<p>Decision denying KCS motion to dismiss served on 5/1/2018.</p> <p>UP and KCS filed replies to BNSF's petition on 6/25/2018 and BNSF and KCS filed rebuttals on 7/16/2018.</p> <p>The parties participated in Board-sponsored mediation in 2018. On 10/17/2018, the Board was informed that mediation was not successful.</p> <p>By decision served on 12/7/2018, the Board directed the parties to provide additional information. The parties submitted responses on 2/4/2019 and replies on 2/25/2019.</p> <p>KCS and UP filed a joint request for Board-sponsored mediation on 6/18/2019. BNSF filed a reply to the mediation request on 6/25/2019. By decision served on 7/3/2019, the Board directed the parties to engage in Board-sponsored mediation. On 11/29/2019, the mediators informed the Board that mediation was not successful.</p>

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							<p>By decision served 2/21/2020, the Board established conditions of use. The decision also directed the parties to submit a joint procedural schedule to govern discovery and briefing on the remaining issues regarding compensation.</p> <p>By decision served on 4/1/2020, the Board adopted a procedural schedule jointly proposed by the parties and also granted a joint request to appoint an administrative law judge to resolve discovery disputes.</p> <p>On 4/7/2020, a second appeal was filed with the U.S. Court of Appeals for the District of Columbia Circuit.</p> <p>On 12/18/2020, BNSF filed a petition to establish conditions of use. Replies to that petition were filed on 1/19/2021, by KCS and UP. On 2/8/2021, BNSF responded to KCS's reply.</p> <p>Opening statements were filed on 1/26/2021; replies were filed on 4/12/2021; rebuttals were filed on 5/11/2021.</p>

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							<p>By decision served on 4/13/2022, the Board granted, in part, BNSF's request to establish general principles the Board expects parties to include in any future operating plans for direct service by BNSF on the Rosebluff Lead. The Board also denied BNSF's request for an expedited process for resolving disputes over conditions use.</p> <p>Appeal filed with the U.S. Court of Appeals for the District of Columbia Circuit on 4/29/2022.</p>
3/31/2015	Unreasonable tariff and practices	North American Freight Car Association v. Union Pacific Railroad Company	NOR 42144	Nationwide	North American Freight Car Association; American Fuel & Petrochemicals Manufacturers; The Chlorine Institute; The Fertilizer Institute; American Chemistry Council; Ethanol Products, LLC d/b/a Poet Ethanol Products; Poet Nutrition, Inc.; and Cargill Incorporated	Union Pacific Railroad Company	<p>Motion to consolidate this proceeding with NOR 42150 and NOR 42152 received on 1/26/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/5/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply</p>

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							<p>filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>
12/19/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Valero Marketing & Supply Company v. Union Pacific Railroad Company	NOR 42150	Unspecified	Valero Marketing & Supply Company; and Valero Rail Partners, LLC	Union Pacific Railroad Company	<p>Complaint filed on 12/19/2016. Motion for abeyance received on 1/6/2017; reply and motion to consolidate received on 1/26/2017; motion to compel received on 2/24/2017. Decision consolidating NOR 42150 with NOR 42152 and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties</p>

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							to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.
12/30/2016	Unreasonable practice and violation of statutory obligation to compensate car owners	Tesoro Refining & Marketing Company LLC v. Union Pacific Railroad Company	NOR 42152	Unspecified	Tesoro Refining & Marketing Company LLC; Tesoro Great Plains Gathering & Marketing LLC; and Dakota Prairie Refining, LLC	Union Pacific Railroad Company	<p>Complaint filed on 12/30/2016. Motion for abeyance received on 1/6/2017; reply and motion to consolidate received on 1/26/2017; motion to compel received on 2/24/2017. Decision consolidating NOR 42150, NOR 42152, and NOR 42144 served on 3/31/2017. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>

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8/1/2017	Unreasonable practice and violation of statutory obligation to compensate car owners	Arkema Inc. v. Union Pacific Railroad Company	NOR 42153	Unspecified	Arkema Inc.	Union Pacific Railroad Company	<p>Complaint filed on 8/1/2017. Union Pacific's motion to consolidate with NOR 42150, NOR 42152, and NOR 42144, received on 8/9/2017; answer to the complaint (8/23/2017), reply (8/29/2017), and supplement to the motion to consolidate (9/8/2017) received. Decision consolidating NOR 42153 with NOR 42150, NOR 42152, and NOR 42144 served on 10/05/2017.</p> <p>Discovery in consolidated proceedings concluded on 1/22/2019. Opening evidence filed on 2/22/2019. Reply filed on 4/26/19. Rebuttal filed on 5/31/19.</p> <p>By decision served 3/22/2021, the Board directed the parties to submit further briefing on two issues of statutory interpretation and application, which were filed on 4/21/2021; replies to those were filed on 5/21/2021.</p>
7/8/2019	Unreasonable practice and violation of statutory obligation to	Olin Corporation v. Union Pacific Railroad Company	NOR 42164	Unspecified	Olin Corporation	Union Pacific Railroad Company	Complaint and motion to hold proceeding in abeyance filed on 7/8/2019. Answer, reply to motion for abeyance, and motion to dismiss received on 7/29/2019. Reply to the

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	compensate car owners						<p>motion to dismiss received on 8/14/2019.</p> <p>By decision served on 9/30/2019, the Board denied the motion to dismiss and granted the motion to hold the proceeding in abeyance.</p>
11/6/2020	Failure to provide adequate rail service; failure to provide adequate notice of change in common carrier service terms; unreasonable practice	Sanimax USA LLC v. Union Pacific Railroad Company	NOR 42171	South Saint Paul, Minnesota	Sanimax USA LLC	Union Pacific Railroad Company	<p>Complaint filed 11/6/2020. Answer and motion to dismiss filed 11/30/2020.</p> <p>Decision granting joint motion for stay until 2/16/2021 to allow for settlement negotiations served 12/18/2020.</p> <p>Decision granting motion for an extension until 2/16/2021 to reply to motion to dismiss served 12/18/2020. Reply to the motion to dismiss and request for partial revocation of exemptions filed on 2/16/2021. Joint status report and proposed procedural schedule filed 2/16/2021. Reply to the request for partial revocation filed 3/8/2021.</p> <p>By decision served 11/2/2021, the Board granted the request to partially revoke the relevant commodity exemptions,</p>

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							<p>denied the motion to dismiss, and set a procedural schedule.</p> <p>On 11/23/2021, Union Pacific filed to request the Board clarify or in the alternative reconsider its 11/2/2021 decision. A reply was filed on 12/9/2021.</p> <p>By decision served 2/25/2022, the Board granted, in part, a petition for clarification regarding the Board's 11/2/2021 decision.</p> <p>Sanimax filed its opening statement on 3/2/2022. UP filed a reply on 4/1/2022, and a motion to dismiss on 5/24/2022. On 6/13/2022, Sanimax filed a reply in opposition to the motion to dismiss. On 6/23/2022, UP further replied to Sanimax, and Sanimax responded on 6/29/2022.</p>
6/15/2022	Ex parte petition for emergency service order	Foster Poultry Farms v. Union Pacific Railroad Company	FD 36609	Midwest U.S. to California	Foster Poultry Farms	Union Pacific Railroad Company	Ex parte petition filed 6/15/2022. Reply filed by UP 6/16/2022. Board order served 6/17/2022 directing UP to take certain actions concerning service to Foster Farms. Daily status updates provided by UP through 6/30/2022. Status update provided by Foster

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							<p>Farms on 6/28/2022. On 6/29/2022, Foster Farms filed a status update, asking the Board to continue to monitor the situation. By decision served 7/1/2022, the Board directed UP to continue to provide specific service commitments, participate in weekly technical conferences with the Board, and to continue to file daily status reports until 7/17/2022. On 7/15/2022, Foster Farms requested that the Board extend the Board's 6/17/2022 emergency service order. By decision served 7/20/2022, the Board denied Foster Farm's request, but left the docket open for six months in the event that further action is necessary.</p> <p>On 12/29/2022, Foster Farms filed a petition for emergency service and an additional letter on 12/30/2022. UP filed a reply on 12/30/2022; later that day Foster Farms filed a reply to UP's reply. By decision served 12/30/2022, the Board directed UP to take certain actions concerning service to Foster Farms.</p>

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							By decision served 2/14/2023, the Board denied as moot Foster Poultry Farms' petition for emergency service order, directed Union Pacific Railroad Company to file weekly status reports with the Board, and left the docket open for 180 days in the event that further action is necessary.
12/8/2022	Failure to provide statutory preference to Amtrak	Complaint & Petition of the National Railroad Passenger Corp. Under 49 U.S.C. § 24308(f)—for Substandard Performance of Amtrak's Sunset Limited Trains 1 & 2	NOR 42175	Louisiana, Texas, New Mexico, Arizona, and California	National Railroad Passenger Corp. (Amtrak)	Union Pacific Railroad Company; BNSF Railway, Inc.; Canadian National Railway Company; and Southern California Regional Rail Authority	Complaint filed 12/8/2022 along with proposed procedures and framework for investigation and remediation.
12/27/2022	Failure to provide transportation or service on reasonable request. Failure to provide continuous carriage.	Victor Insulators, Inc. v. Finger Lakes Railway Corp.	NOR 42176	New York	Victor Insulators, Inc.	Finger Lakes Railway Corp.	Complaint filed 12/27/2022. Motion to dismiss filed 2/9/23. Reply to motion to dismiss and motion to challenge designation of information as confidential filed 3/1/23. Reply to challenge to designation of information as confidential filed 3/10/23. Response to complainants' reply to motion to dismiss filed 3/20/23.

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							Amended complaint filed 3/24/23. Answer and motion to dismiss filed 4/13/23. Request for extension of time filed 4/21/23. Extension request granted by decision served 4/24/23. Reply to motion to dismiss filed 5/3/23. Status report filed 5/8/23.
4/14/2023	Petition for emergency service order, or, in the alternative, injunctive relief, to require adequate service.	Navajo Transitional Energy Company, LLC—Ex Parte Petition for Emergency Service Order	NOR 42178	Montana	Navajo Transitional Energy Company, LLC	BNSF	Petition filed 4/14/23. Reply filed 4/19/23. Protective Order issued 4/19/23. Oral argument before the Board held 5/10/23. Parties submitted supplemental filings 5/15/23. By decision served 6/23/23, the Board granted NTEC's request for a preliminary injunction. The parties submitted status reports 6/30/23.
4/14/2023	Failure to provide reasonable service upon reasonable request in violation of the common carrier obligation.	Navajo Transitional Energy Company, LLC v. BNSF Railway Company	NOR 42179	Montana	Navajo Transitional Energy Company, LLC	BNSF	Complaint filed 4/14/23. Protective Order issued 4/19/23. Reply filed 5/4/23. Report on parties' scheduling conference filed 5/23/23, with each side proposing a procedural schedule. On 6/30/23, the Board adopted a procedural schedule.
4/24/2023	Petition for Declaratory Order and Injunctive Relief	The Wenger Group, Inc., and Esbenshade, Inc.—Petition for Declaratory Order and	FD 36695	Pennsylvania	The Wenger Group, Inc., and Esbenshade, Inc. (Petitioners)	National Railroad Passenger Corp. (Amtrak)	Petition and motion for protective order filed 4/24/2023. Motion for protective order granted 4/26/2023. Decision setting

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		Injunctive Relief—Rail Service to Pennsylvania Feed Mills and Other Facilities			Kellogg Company (Intervenor)		<p>reply deadlines served 4/26/2023.</p> <p>Replies from Norfolk Southern Railway Company (NSR) and Amtrak filed 5/1/2023. Decision directing parties to file a status report served 5/2/2023. Status report filed 5/3/2023.</p> <p>Kellogg Company petition to intervene filed 5/4/2023. National Grain and Feed Association support statement filed 5/4/2023.</p> <p>Amtrak request for abeyance, indicating settlement in principle between Amtrak and petitioners, filed 5/10/2023. Decision granting abeyance request, tolling all deadlines, and ordering a status report no later than 5/30/2023 served 5/11/2023.</p> <p>NSR letter requesting the Board lift abeyance with respect to Kellogg and set deadlines for replies to Kellogg’s petition filed 5/12/2023. Decision granting Kellogg’s petition to intervene, lifting the abeyance with respect to Kellogg, and</p>

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							<p>ordering the submission of additional information served 5/18/2023.</p> <p>NSR reply to Kellogg's petition filed 5/23/2023. Kellogg supplemental information filed 5/23/2023.</p> <p>Amtrak extension request filed and modified 5/26/2023. Kellogg and NSR letters in opposition to Amtrak's extension request filed 5/26/2023. Decision denying Amtrak's extension request served 5/26/2023. Amtrak's reply to Kellogg's petition filed 5/30/2023.</p> <p>Petitioners motion to dismiss their petition filed 5/30/2023.</p> <p>NSR letter requesting expedited reply deadline and Amtrak letter in opposition to NSR's request both filed 6/1/2023. Decision setting Amtrak response deadline served 6/2/2023.</p> <p>Amtrak reply filed 6/6/2023.</p> <p>Kellogg and Amtrak joint status report indicating ongoing negotiations filed</p>

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							6/14/2023. Amtrak request for abeyance, indicating settlement in principle between Amtrak and Kellogg, filed 6/22/2023. Decision granting abeyance request and ordering a status update by 7/10/2023 served 6/23/2023.

SURFACE TRANSPORTATION BOARD
QUARTERLY REPORT OF INFORMAL SERVICE COMPLAINTS RECEIVED

Second Quarter 2023

The Surface Transportation Board Reauthorization Act of 2015 mandated that the Surface Transportation Board (STB) publish a quarterly report of informal service complaints received by the agency. *See* STB Reauthorization Act of 2015, Sec. 6(b), Pub. L. No: 114-110 (2015). During the second quarter of 2023 (April 1, 2023 – June 30, 2023), the STB received the following informal complaints¹:

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
2/2/2023	Railroad service issue	South	Shipper contacted RCPA for assistance after a railroad reduced the number of service days per week at its facility; RCPA communicated the concerns to the railroad and facilitated a joint call with the parties; after further discussions the railroad proposed to make extra switches available on a regular basis, which would support the shipper’s production schedule, and the shipper consented to the proposal. [Closed]	

¹ A table showing the quarterly inquiries received by the STB’s Rail Customer and Public Assistance office is attached as an Appendix to this report.

² Matters reported as “Pending” on the previous quarterly report are carried forward to the next quarterly report.

³ **Northeast:** Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania; **South:** Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas; **Midwest:** North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio; **West:** Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii.

⁴ This quarterly report may identify the complainant that submitted an informal complaint only upon the written consent of the complainant. Surface Transportation Board Reauthorization Act of 2015, Sec. 6(b).

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
3/9/2023	Railroad demurrage charges	Midwest	Importer-wholesaler contacted RCPA for assistance with container storage charges being assessed by certain railroads at their rail ramps at a key gateway; the importer advised that it could not pick up its containers due to a significant shortage in drayage chassis; RCPA liaised with the railroads on behalf of the shipper to explore whether the charges could be reduced or waived under the circumstances; however, the railroads declined to make any adjustments. [Closed]	
3/9/2023	Railroad miscellaneous charges	Midwest	Shipper contacted RCPA for assistance with charges that were being assessed by a railroad related to a customs inspection at an international border; RCPA liaised with the shipper and conferred with the railroad as to the validity of the charges; the railroad refunded a portion of the charges to the shipper's freight broker. [Closed]	
3/13/2023	Railroad service issue	West	Shipper's representative contacted RCPA for assistance with rail service that was not sufficient to meet the needs of the shipper and preventing the shipper from fulfilling the demand from its customers; RCPA discussed the situation with the shipper's representative and then engaged with the railroad to discuss the situation and set up a joint follow-up call; however, the shipper subsequently decided to pursue another pathway for assistance. [Closed]	
3/16/2023	Railroad commercial issue	Midwest	Shipper requested assistance from RCPA regarding a liability provision in the railroad's tariff, which the shipper believed was preventing it from doing business with other suppliers; RCPA discussed the implications of the provision with the shipper and conferred with the railroad about the shipper's concerns; the railroad agreed to work with the shipper to locate other suppliers that were in compliance with the tariff provision. [Closed]	

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4/3/2023	Railroad service issue	Midwest	Shipper contacted RCPA to ask if RCPA was aware of service issues or challenges in connection with a switching railroad that serves its facilities; RCPA advised that no issues with the railroad had been raised, but that RCPA could provide informal assistance, if necessary; the shipper advised that it would monitor the situation for improvement; the shipper did not subsequently follow up with RCPA. [Closed]	
4/5/2023	Railroad service issue	Midwest	Shipper's representative contacted RCPA for assistance in addressing a significant backlog of railcars ordered for loading; RCPA contacted the railroad, which was unaware of the service issues; RCPA contacted the shipper's representative and offered to arrange for informal discussions between the railroad and the shipper; the representative said he would consider the offer but did not subsequently respond. [Closed]	
4/5/2023	Railroad service issue	South	Shipper reported to RCPA that it had been experiencing unreliable and inconsistent rail service resulting in part from problems involving an interchange between a Class I railroad and a shortline carrier; the Class I carrier responded that the issue was due to congestion on the shortline, and that its local team would monitor traffic levels closely until interchange operations were fluid. [Closed]	
4/6/2023	Railroad service issue	Northeast	Shipper contacted RCPA to seek assistance expediting movement of a passenger car that had been delayed for five days at a junction point; RCPA contacted the railroad to ascertain the status of the car and facilitate prompt delivery to the receiver; the railroad advised that its records indicated that the car had already been delivered, which was subsequently confirmed by the shipper. [Closed]	

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4/10/2023	Railroad service issue	South	Shipper sought RCPA assistance in connection with a service issue involving two rail carriers; RCPA offered to assist the shipper; but the shipper subsequently advised that the railroads had proposed a solution and there was no need for RCPA intervention. [Closed]	
4/10/2023	Railroad service issue	Northeast	Shipper contacted RCPA for assistance related to a railcar that was bad ordered in transit, and, after repair, was not being moved to destination; RCPA contacted the railroad to ascertain the status of the car and facilitate its movement; the railroad established a trip plan and provided status updates until delivery of the car. [Closed]	
4/11/2023	Railroad service issue	West	Shipper contacted RCPA for assistance with delays in delivery of cars to its plant, which created a potential shutdown situation; the shipper advised that it had escalated the situation with the railroad; RCPA offered to assist the shipper, but the shipper did seek further RCPA engagement. [Closed]	
4/13/2023	Railroad service issue	South	Shipper sought information from RCPA regarding congestion at a major interchange location, which had led to delays in interchange events; RCPA discussed the concerns with the shipper and offered to contact the railroad in the future if necessary; however, the shipper did not seek further assistance. [Closed]	
4/14/2023	Railroad intermodal service	South	Third-party logistics provider (3PL) contacted RCPA about storage fees assessed on a container that was not made available for pick-up; RCPA contacted the railroad about the fees; subsequently, the 3PL informed RCPA that the fees were refunded. [Closed]	
4/14/2023	Railroad service issue	South	Shipper contacted RCPA to seek assistance addressing poor and insufficient service provided by the railroad; RCPA contacted the railroad, which agreed to investigate the shipper's concerns; the shipper subsequently reported that the railroad had implemented a satisfactory solution to move its traffic. [Closed]	

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4/20/2023	Railroad sidetrack agreement	Northeast	Shipper contacted RCPA for assistance with a dispute related to responsibility for maintaining a spur track into its facility; RCPA discussed the issues with the shipper, including potential allocation of responsibility; RCPA offered to liaise with the railroad directly, but the shipper did not pursue further assistance. [Closed]	
4/20/2023	Railroad service issue	Midwest	Shipper sought RCPA assistance in connection with two seriously delayed railcars scheduled for delivery; RCPA liaised with the railroad, which expedited delivery of the two delayed cars, and also took steps to ensure timely delivery of other cars in transit. [Closed]	
4/21/2023	Railroad service issue	West	Shipper requested RCPA assistance in connection with a railroad's refusal to transport multiple empty cars between two locations on its line, about 35 miles apart; the railroad had previously advised the shipper that this move would require a dedicated special train with associated higher costs; RCPA contacted the railroad, which subsequently made service arrangements for movement of the railcars that were acceptable to the shipper. [Closed]	
4/26/2023	Railroad service issue	West	Shipper contacted RCPA for assistance in expediting the movement of a loaded railcar that had been sitting for over a month while en route to its destination; the railroad had reported that the car might be lost; RCPA contacted the railroad, which located the car and expedited its movement to destination. [Closed]	
4/28/2023	Railroad intermodal issue	Midwest	Shipper requested RCPA assistance in connection with a delayed container that had arrived at the railroad's intermodal ramp, but had reportedly been moved to another location before the shipper's dray carrier was able to pick it up; per the shipper's request, RCPA contacted the railroad to address the issue; the shipper subsequently learned that its carrier had been able to pick up the container upon arrival; the confusion was caused by misinformation provided by the railroad's tracking system. [Closed]	

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5/2/2023	Railroad tariff issue	West	Shipper requested assistance from RCPA concerning a railroad's tariff rule applicable to cargo loss and damage claims; RCPA conferred with the shipper on relevant laws and regulations and offered informal interpretive guidance; RCPA discussed the concerns with the railroad to understand how the railroad was applying the tariff rule; subsequently, RCPA advised the shipper on formal and informal pathways for challenging the rule. [Closed]	
5/9/2023	Railroad service issue	South	Shipper contacted RCPA for assistance with deteriorating rail service and an impending facility shutdown; RCPA liaised with the railroad on behalf of the shipper and rail service subsequently improved, averting a shutdown. [Closed]	
5/10/2023	Railroad service issue	Midwest	Shipper contacted RCPA to discuss mounting regional service problems but did not request direct RCPA intervention at this time; RCPA discussed the issues with the shipper and offered to assist as needed in the future. [Closed]	
5/10/2023	Railroad service issue	Northeast	Shipper contacted RCPA to help expedite the movement of several delayed railcars; RCPA contacted the railroad which explained that the delays were due to congestion; the cars subsequently moved to their destination. [Closed]	
5/11/2023	Railroad service issue	Midwest	Shipper contacted RCPA for assistance with a significant shortfall in rail service that would likely result in a plant shutdown; RCPA contacted the railroad about the situation and facilitated additional switches to the plant, which averted the shutdown. [Closed]	

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5/12/2023	Railroad service issue	Midwest	Shipper requested RCPA assistance with recovering railcars that were interchanged to the wrong railroad and were stuck in yard due to communication and execution issues; RCPA liaised with the relevant railroads to ascertain the status of the cars and facilitate their return to the linehaul railroad; RCPA monitored progress and conferred with the shippers until the issue was resolved. [Closed]	
5/12/2023	Railroad intermodal service	Midwest	Shipper requested RCPA assistance for assistance with disputed intermodal container storage fees; RCPA facilitated direct communication between the customer and the railroad to review the disputed charges. [Closed]	
5/22/2023	Railroad service issue	South	Shortline railroad customer contacted RCPA for assistance with mounting demurrage charges and the railroad's statement that it would refuse further service in the absence of an escrow arrangement; RCPA facilitated several discussions between the parties and rail service was maintained; however, RCPA is conducting ongoing negotiations related to disputed past demurrage. [Pending]	
5/24/2023	Railroad interchange issue	West	Shortline railroad contacted RCPA for assistance with an issue with a Class I railroad, related to the status of an interchange location; RCPA conferred with the shortline about the issues and liaised with the Class I railroad to explore re-establishing the interchange; the Class I railroad subsequently issued a new interchange agreement that was acceptable to the shortline. [Closed]	
5/25/2023	Railroad intermodal service	West	Freight forwarder contacted RCPA with concerns about increased fees related to the handling of intermodal containers; RCPA discussed the issue with the railroad, which was unwilling to offer fee reductions. [Closed]	

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5/25/2023	Railroad commercial issue	South	Shipper advised RCPA of a railroad's new liability insurance requirement, applicable to the movement of certain goods; RCPA discussed the implications of the requirement with the shipper and potential formal and informal pathways for seeking to resolve its concerns; however, the shipper requested that RCPA not intervene with the railroad at this time. [Closed]	
5/25/2023	Railroad service issue	South	Shipper sought RCPA assistance with expediting a large block of railcars that were significantly delayed; RCPA raised the concerns with the railroad, which expedited movement of some of the railcars; RCPA is continuing to work with the shipper on delays. [Pending]	
5/25/2023	Railroad intermodal service	Midwest	3PL raised concerns with RCPA about railroad rules and charges on intermodal containers; RCPA discussed the regulatory landscape in this area and advised on formal and informal pathways for challenging the rules and charges; however, the 3PL did not request direct railroad intervention at this time. [Closed]	
5/25/2023	Railroad demurrage charges	South	Shipper advised RCPA of problematic storage fees assessed by two railroads at a mine; RCPA offered to contact the railroads to address the fees, but the shipper did not request RCPA assistance. [Closed]	
5/30/2023	Railroad tariff issue	South	Shipper contacted RCPA about a railroad's new liability insurance requirement related to the movement of certain goods; RCPA discussed the implications of the requirement with the shipper and potential formal and informal pathways for seeking to resolve its concerns; however, the shipper requested that RCPA not intervene with the railroad at this time. [Closed]	
5/31/2023	Railroad service issue	Midwest	Shipper sought RCPA assistance with expediting a number of significantly delayed empty railcars that were to be loaded; RCPA communicated with the railroad to ensure there was sufficient customer follow-up; the railroad subsequently reported that the railcars had been lost and provided replacement railcars for loading. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
5/31/2023	Railroad service issue	International	Shortline railroad sought RCPA assistance with inadequate switches, bunching, and increased car hire costs stemming from a shortline partner's inconsistent operations; RCPA facilitated discussions between the railroads and assisted with restoring the flow of traffic; the shortline reported that its partner had made significant improvement. [Closed]	
6/1/2023	Railroad tariff issue	South	Shipper contacted RCPA with concerns about modifications to a railroad's tariff, related to liability and indemnification for accidents involving the shipper's commodities; RCPA discussed the issues with the shipper, including relevant STB decisions; however, the shipper did not seek direct RCPA assistance with the railroad. [Closed]	
6/1/2023	Railroad service issue	South	Shipper's consultant contacted RCPA about service issues affecting a client; RCPA discussed pathways for informal assistance and, after a delay in next steps, is scheduling a conversation with the shipper about service challenges and potential assistance. [Pending]	
6/4/2023	Railroad service issue	South	Shipper contacted RCPA for assistance with inconsistent and unreliable service on a connecting railroad resulting in unpredictable and extended transit times, which hampered its ability to supply product to its customer; RCPA discussed the issues with the shipper and contacted the connecting carrier to address the issues; the connecting railroad reported that labor and congestion issues were affecting service, but that it was working to become current on the shipper's traffic and that progress had been made on the larger issues. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
6/5/2023	Railroad service issue	South	Shipper's representative contacted RCPA to discuss a potential cessation of rail service for its client, in the event that the railroad seeks discontinuance authority; RCPA discussed the issues with the representative, including other railroads that might be available or obligated to provide service; the representative did not seek direct RCPA assistance at the time. [Closed]	
6/5/2023	Railroad demurrage charges	Midwest	Shipper sought assistance from RCPA with demurrage charges assessed by the railroad in circumstances where railroad fault or other factors not attributable to the shipper were causing delays in unloading cars; RCPA discussed the issues with the shipper, including pathways for informal assistance; the shipper requested that RCPA engage with the railroad and RCPA is working to resolve the dispute. [Pending]	
6/8/2023	Railroad service issue	South	Warehouse contacted RCPA for assistance with efforts to establish rail service to its facility; the warehouse advised that the railroad had referred to commercial and infrastructure issues as barriers to serving the facility; RCPA discussed the issues with the shipper and potential avenues for informal assistance; however, the warehouse did not follow up with RCPA to seek direct assistance. [Closed]	
6/14/2023	Railroad service issue	West	Shipper contacted RCPA about poor rail service, in particular, the railroad's failure to provide the number of railcars allotted to its facility each week; RCPA discussed the issues and contacted the railroad on the shipper's behalf, resulting in direct discussions between the shipper and the railroad to resolve the issues. [Closed]	

Date ²	Type of Informal Complaint	Geographic Region ³	Resolution / Status	Complainant ⁴ CONFIDENTIAL
6/16/2023	Railroad interchange issue	West	Shipper sought RCPA assistance with re-establishing a previously-existing interchange between its new shortline railroad and a Class I railroad, which would resolve a circuitous routing involving a different connecting railroad; RCPA discussed the issues with the shipper and contacted the Class I railroad to facilitate discussions with the shipper and the shortline to re-establish the interchange; the Class I railroad agreed to restore the interchange, which resolved the shipper's challenges. [Closed]	
6/20/2023	Railroad service issue	South	Shipper contacted RCPA for assistance with railcars that were stuck in its serving yard for several weeks; the shipper needed to move empty cars that had not been spotted to other locations where they were needed; RCPA contacted the railroad in order to ascertain the status of the cars and secure movement to the locations. [Closed]	
6/28/2023	Railroad service issue	West	Shipper contacted RCPA with an urgent request for assistance related to an impending facility shutdown stemming from a railroad's missed switch; RCPA contacted the railroad with a list of railcars that were needed to avoid the shutdown and asked that the railroad keep the parties updated on the status of the cars; the cars were subsequently delivered and a shutdown was averted. [Closed]	
6/29/2023	Railroad service issue	South	Shipper sought RCPA assistance in connection with deteriorating rail service at its facility; the railroad had reduced the number of daily switches, creating a risk of a plant shutdown, and forcing the shipper to divert some traffic to trucks; RCPA contacted the shipper to discuss the matter further. [Pending]	

Note: A table showing the quarterly inquiries received by the STB's Rail Customer and Public Assistance office is attached below as an appendix to the foregoing report.

Appendix to Quarterly Report of Informal Service Complaints

2nd Quarter 2023 Cases by Category/Region

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Meeting Request	7	3	1	2	0	0	1	0
Passenger Bus Issue	1	0	0	1	0	0	0	0
Household Goods Moving Issue	22	9	6	4	1	2	0	0
Information-Economic Data	11	3	5	3	0	0	0	0
Information-Non Economic Request	38	13	3	6	7	8	1	0
Motor Carriers (Trucking) Issue	4	0	3	0	1	0	0	0
Pipeline Issue	1	1	0	0	0	0	0	0
Amtrak or Passenger Rail Issue	4	2	0	1	1	0	0	0
Railroad Commercial or Billing Issue	6	0	2	2	0	1	1	0
Railroad Blocked Crossings	11	0	5	5	0	1	0	0
Railroad Car Supply	2	0	0	0	0	1	1	0
Railroad Claims	1	0	0	0	1	0	0	0
Railroad Demurrage Charges	3	0	3	0	0	0	0	0
Railroad Denial of Rail Service	1	0	1	0	0	0	0	0
Railroad Environmental Issues	3	1	0	1	1	0	0	0
Railroad Freight Car Repair or Dispo	1	1	0	0	0	0	0	0
Railroad Interchange Issue	2	0	0	0	2	0	0	0
Railroad Intermodal Service	4	0	0	3	1	0	0	0
Railroad Labor Issues	2	1	0	1	0	0	0	0
Railroad Liability Issues	2	0	1	1	0	0	0	0
Railroad Maintenance Issue	5	3	0	1	0	1	0	0
Railroad Noise - Airhorn, Safety, etc	2	0	1	1	0	0	0	0
Railroad Preemption	4	1	1	2	0	0	0	0
Railroad Service Issue	27	3	9	9	5	0	1	0
Railroad Stored Freight Cars	1	1	0	0	0	0	0	0
Rails to Trails	6	2	0	3	1	0	0	0

Issue Category	All Regions	Northeast	South	Midwest	West	US Territory	International	Not Specified
Real Estate Matter	5	3	1	1	0	0	0	0
STB Authority Question	6	1	3	1	1	0	0	0
STB Jurisdictional Question	11	3	4	3	1	0	0	0
STB Procedural Assistance	40	27	7	4	1	1	0	0
STB Recordations or Security Interests on Rail Cars	13	2	7	2	0	2	0	0
STB or ICC Records Assistance	69	9	26	26	8	0	0	0
STB Webpage/Downloading Assistance	2	0	1	0	1	0	0	0
Water Carrier Issue (Non-contiguous Domestic Trade)	5	0	2	1	1	1	0	0
Wrong Agency Calls	7	1	2	2	2	0	0	0
Total	329	90	94	86	36	18	5	0

U.S. Census Regions:

Northeast Region	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania
South Region	Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas
Midwest Region	North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio
West Region	Washington, Idaho, Montana, Wyoming, Oregon, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, and Hawaii

Appendix to Quarterly Report of Informal Service Complaints

2nd Quarter 2023 Cases per Commodity Group*

Commodity Group	Number
Agricultural Products	15
Automobile	2
Chemicals	8
Coal	2
Construction Debris	1
Construction Materials	3
Empty Freight Cars	1
Forest Products	4
Hazardous Waste/Radioactive Waste	4
Household Goods	22
Industrial Products	7
Intermodal	3
Metals and Minerals	2
Not Specified by Shipper	7
Passenger	6
Other	7
Toxic By Inhalation	2
N/A	233
Total	329

*In many instances, the commodity is not specified or material to the inquiry, therefore the total number for this data may not equal the total number of inquiries for the quarter.